

The final chapter discussing same sex marriage is especially relevant in the United States right now and the style describes the whole book perfectly. Sachs discusses his thoughts and opinions on a very emotional topic in a calm and thoughtful manner. His writing imparts a feeling of a person narrating a story from a third person point of view even though his feelings and opinions are the focus of the story. While this may not be an effective method of storytelling for everyone, it works for this book. The narration is not void of emotion or feeling; it is organized and precise. Emotions can be useful when trying to convey a point, but words can sometimes fail to carry a complete thought when they are muddled with emotion. This book is written in the same way that Sachs describes writing an opinion. While the reader is only seeing the final draft of the story he is telling, the reader gets a feeling that beneath the refined narration is a flood of emotion. Even if this entire book is a “lie” (see Chapter 2) it is well written and entertaining. The style of the book makes the topic accessible to an audience that is much broader than the legal academy or profession.

Joe Cera
Reference Librarian
Berkeley School of Law, Boalt Hall
University of California
Berkeley, CA USA

Universities and Copyright Collecting Societies. By Dinusha Kishani Mendis. The Hague: T.M.C. Asser Press, 2009. Pp. xvii, 258. ISBN: 978-90-6704-298-7. UK. £:38.00; US\$85.00.

Copyright law in most countries provides automatic, long-lasting monopolies over creative works to their authors. To reduce the transaction costs involved in requesting, receiving, and paying for copyright permissions, authors have joined into collective copyright management organizations. These organizations provide a centralized place for users of copyrighted material to pay for and receive the licenses they need to legally use the materials. The license fees are then distributed to the publishers and authors.

In this book, Dinusha Kishani Mendis, a Lecturer in Law at the University of Central Lancashire, UK, examines the relationship between these copyright licensing organizations, or copyright collecting societies, and UK institutions of higher education. His conclusion is that while copyright collecting societies are an efficient mechanism for distributing copyright licenses, their largely monopolistic hold over the copyright permission market has enabled them to charge educational institutions too much while not giving

schools needed flexibility in their licenses. He also argues that the societies are not transparent in their distributions to authors, preventing authors from knowing if they are receiving fair remuneration for their creative work. Mendis proposes that the UK higher education system move to a model based on the Higher Education Resources On-Demand project that enables more flexible educational access to copyrighted materials and that academic publishing in journals be funded through publishing fees paid out of research funds. The scholarly literature would then be largely open access, with reproduction permissions handled through a blanket license that permits educational reproduction, digitization, and use in course packs.

Much of the book details the history of copyright and its effect on higher education. The first hundred pages walk the reader through the birth of copyright law as we know it in the Statute of Anne and how colleges and universities adapted to copyright as higher education dramatically expanded in the 1960s. Using cases from Australia, the UK, and Canada, Mendis then explores the factors courts consider when deciding when schools are liable for copyright infringement by students and staff. Mendis discusses relevant cases, legislation, and government reports in close detail.

Mendis then turns his attention to copyright collecting societies, explaining how obtaining copyright permissions on a case-by-case basis imposes prohibitive transaction costs. The need for an efficient means of gathering needed licenses led to the development of centralized societies that can take advantage of economies of scale. Mendis argues that while these societies have gained near monopolist control of the copyright licensing market in their respective countries, adding competing societies to the market is unlikely to save schools money because transaction costs would increase by dealing with multiple organizations.

Mendis contends that collecting societies do not adequately benefit the authors whose work the societies license. He offers the UK Copyright Licensing Agency (CLA) as an example, delving into the CLA's annual reports to show that the society's accounting and reporting practices make it difficult for authors to understand how royalty fees are collected and disbursed. Rather than working for the interests of educational institutions or scholarly authors, collecting societies seem to benefit the academic and corporate publishers that produce monographs and journals.

The penultimate chapter seems to be a digression on open access to scholarship, reviewing the serials crisis in libraries and more liberal copyright licenses. However, this final thread is tied together with Mendis's proposal that more scholarly publishing be made open access and paid for with publishing fees taken out of research funding. These proposals seem to be directed at government and major private research funding bodies and the UK

higher education consortium that negotiates blanket copyright licenses with the CLA.

The book provides a thorough history of UK copyright and higher education and would be a useful resource for researchers exploring these topics. Mendis thoroughly lays out the procedural history of legislative, judicial, and administrative decisions and completely documents his sources with footnotes. An extensive bibliography and tables of cases and legislation round out the volume.

The primary weakness of the book is that the generous use of large block quotes and sentences in the passive voice interrupts the text's flow and distracts the reader from the book's arguments. Notwithstanding this weakness of presentation, the book is most suitable for collections focusing on European and comparative copyright law. Researchers looking into European higher education are also likely to find material of interest.

Benjamin J. Keele
Reference Librarian
William & Mary Law School
Williamsburg, VA USA

Rights of Personality in Scots Law: A Comparative Perspective. Edited by Niall R. Whitty and Reinhard Zimmermann. Dundee: Dundee University Press, 2009. Pp. lxvi, 614. ISBN 978-1-84586-027-1. UK£50.00.

Some books deliver less than the title promises. *Rights of Personality in Scots Law: A Comparative Perspective* delivers much more. It amply covers the Scots law on personality rights and provides a comparative perspective on this law. However, it also is a major work identifying, analyzing, and critiquing the law concerning personality rights in common law, civil law, and mixed jurisdictions.

While not unknown to legal scholars in England, the United States, and other countries where the common law prevails, the concept of “personality rights” is more familiar to the jurists of civilian and “mixed” legal systems. Scotland has a mixed legal system drawing upon both common law and uncoded civil law. The civil law has tended to recognize “rights” and then fashion a legal remedy for infringement of a right. The common law, in contrast, offers a remedy only within the context of specific causes of action whose requirements must be satisfied. As Niall Whitty states, “Personality interests do not align exactly with the delicts [torts] which protect those interests.”

The book’s initial description of “rights of personality” is that they